

#64

ORDINANCE NO.
MARK-UP DISCUSSION VERSION

1 AN ORDINANCE RELATING TO THE WATERFRONT OVERLAY
2 COMBINING DISTRICT AND WATERFRONT PLANNING ADVISORY
3 BOARD; ADDING NEW CITY CODE SECTIONS 2-1-186, 25-2-710, AND 25-2-
4 715; AMENDING CITY CODE SECTIONS 25-2-713, 25-2-721, 25-2-731, 25-2-732,
5 25-2-733, 25-2-734, 25-2-735, 25-2-736, 25-2-737, 25-2-739, 25-2-740, 25-2-742, 25-2-
6 743, 25-2-744, AND 25-2-745; AND AMENDING SECTIONS 1.2.4 AND 4.3.4 OF
7 CITY CODE CHAPTER 25-2, SUBCHAPTER E.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 PART 1. City Code Chapter 2-1 (*City Boards*), Article 2 (*Boards*), is amended to add a
12 new Section 2-1-187 to read as follows and to renumber existing Section 2-1-187 (*Zoning*
13 *and Platting Commission*) accordingly:

14 § 2-1-186 WATERFRONT PLANNING ADVISORY BOARD.

15 (A) The Waterfront Planning Advisory Board should include a diverse membership
16 drawn from the fields of urban design, environmental protection, architecture,
17 landscape architecture, historic preservation, shoreline ecology, neighborhood
18 conservation, civic art, and real property development.

19 (A) The Waterfront Planning Advisory Board should include a diverse membership
20 made up of one representative from each of the Parks Board, the Environmental
21 Board, and the Design Commission, and four other members drawn from the
22 fields of urban design, environmental protection, architecture, landscape
23 architecture, historic preservation, shoreline ecology, neighborhood
24 conservation, civic art, and real property development. **[Recommended by**
25 **Staff]**

26 (B) The purpose of the board is to provide recommendations to the city council and
27 city boards that:

28 (1) assist in promoting excellence in the design, development, and protection
29 of the City's waterfront; and

30 (2) help to provide a more harmonious interaction and transition between
31 urban development and the parkland and shoreline of Lady Bird Lake
32 and the Colorado River.

33 (C) The board shall provide the following recommendations:

- 1 (1) Project-level recommendations regarding proposed development within
2 the Waterfront Overlay (WO) combining district, as required under
3 Section 25-2-716 (*Review and Recommendation of the Waterfront*
4 *Planning Advisory Board*).
- 5 (2) Planning-level recommendations regarding proposed amendments
6 impacting the WO combining district, as required under Section 25-2-716
7 (*Review and Recommendation of the Waterfront Planning Advisory*
8 *Board*).
- 9 (3) Policy recommendations to help further the goals of the Town Lake
10 Corridor Study, including but not limited to:
- 11 (a) filtering, reducing, and treating urban runoff;
- 12 (b) improving and protecting city creeks through updated corridor
13 planning;
- 14 (c) regulating existing resource extraction, with the goal of restoring
15 and revegetating the shoreline and improving public access;
- 16 (d) acquiring additional parkland and greenbelt along the Colorado
17 River;
- 18 (e) integrating parkland acquisition with planning for roadway and
19 other public improvements, with particular attention to the
20 Montopolis area;
- 21 (f) securing additional public access easements along the shoreline
22 from Longhorn Dam to the confluence of Walnut Creek;
- 23 (g) requiring better maintenance of riverfront shoreline and
24 environmental impact studies for new development;
- 25 (h) ensuring compatibility of city land uses, programs, and
26 construction projects with Lady Bird Lake;
- 27 (i) encouraging appropriate mixed-use and residential development
28 along the waterfront and urban edge; and
- 29 (j) promoting and facilitating cooperation between neighbors and
30 private landowners to better realize the potential of the City's
31 waterfront; and
- 32 (4) Other recommendations, as required by the city council.
- 33
- 34 (4) Policy recommendations that update the goals of the Town Lake Corridor
35 Study including integrating parkland acquisition with planning for

roadway and other public improvements, with particular attention to the area east of Longhorn Dam to the city limit line.”

(5) Other recommendations, as required by the city council.

[endorsed by the Planning Commission (9-0), the Waterfront Overlay Task Force (9-0) and the Design Commission (6-0)]

PART 2. Subsection (A) of City Code Section 25-2-282 (*Land Use Commission Public Hearing and Recommendation*) is amended to

(A) The Land Use Commission shall hold a public hearing on a zoning or rezoning application not later than the 60th day after the date the application is filed. The director of the Neighborhood Planning and Zoning Department shall give notice under Section 25-1-132(A) (*Notice of Public Hearing*) of the public hearing. If the application includes property located within the Waterfront Overlay (WO) combining district, the director shall request a recommendation from the Waterfront Planning Advisory Board to be considered by the Land Use Commission at the public hearing. If the Board fails to make a recommendation as required under Section 25-2-716 (*Review and Recommendation of the Waterfront Planning Advisory Board*), the Land Use Commission or accountable official may act on the application without a recommendation from the Board.

PART 3. City Code Chapter 25-2, Article 3 (*Additional Requirements for Certain Districts*), Division 8 (*Waterfront Overlay District and Subdistrict Regulations*), Subpart A (*General Provisions*) is amended to add a new Section 25-2-710 to read:

§ 25-2-710 GOALS AND POLICIES.

Decisions by the accountable official and city boards regarding implementation of this Division shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including but not limited to the following:

- (A) Ensure that zoning decisions in the Colorado River corridor achieve the highest degree of land use compatibility by:
1. eliminating industrial uses from the confluence of Longhorn Dam;
 2. phasing out resource extraction;
 3. providing visual and physical access to the Colorado River.
 3. providing public visual and physical access to the Colorado River.

[Comment by Zoning and Platting Commissioner Tiemann, endorsed by the Planning Commission (9-0),]

(B) Protect, enhance, and interpret natural values and environmentally sensitive areas of the Colorado River Corridor through:

1. appropriate mitigation for new development affecting identified landforms; and
2. maintenance of natural shorelines and bluffs along the waterfront, except where otherwise required by subdistrict regulations or for necessary stabilization.

(C) Recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses.

(C) Recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses as defined by the subdistrict goals of the Town Lake Corridor Study.

[endorsed by the Planning Commission (9-0), the Waterfront Overlay Task Force (9-0) and the Design Commission (6-0)]

PART 4. City Code Section 25-2-712 (*Definitions*) is amended to add the following new definitions and to renumber the remaining definitions accordingly:

(2) BOARD means the Waterfront Planning Advisory Board.

(7) TOWN LAKE CORRIDOR STUDY means the planning document published by the City of Austin in 1985 and formally approved by City Council Resolution No. 851031-19.

PART 5. City Code Section 25-2-713 (*Variances*) is amended to read:

§ 25-2-713 VARIANCES.

(A) An applicant may submit a request for [The Land Use Commission may grant] a variance from the following requirements [of] to the Waterfront Planning Advisory Board for review:

(1) Section [Sections] 25-2-692 (Waterfront Overlay (WO) Subdistrict Uses)[;];

(2) Section 25-2-721 (Waterfront Overlay (WO) Combining District Regulations) [;]; or

1 (3) Subpart C (Subdistrict Regulations), except that no variance may be
2 granted from restrictions on maximum height.

3 (B) The Board may recommend approval of the variance after determining that:

4 (1) the proposed project and variance are consistent with the goals and
5 policies of the Town Lake Corridor Study, including environmental
6 protection, aesthetic enhancement, and traffic; and

7 (2) the variance is the minimum required by the peculiarities of the tract.

8 (3) The director shall forward the Board's recommendation to the Land Use
9 Commission, which shall consider the recommendation and the variance
10 application at the next regularly scheduled meeting for which notice can
11 be timely provided. [Recommended by Staff]

12 (4) The Land Use Commission shall grant or deny the variance based on the
13 criteria in Subsection (B) of this section. [Recommended by Staff]

14 (5) An interested party may appeal the Land Use Commission's grant or
15 denial of a variance [under Subsection (A)] to the council under the
16 requirements of Chapter 25-1, Article 7, Division 1 (Appeals).
17 [Recommended by Staff]

18
19 (C)[(B)] The following requirements apply if the Board recommends approval of a
20 variance under Subsection (B) of this section:

21 (1) The director shall forward the Board's recommendation to the Land Use
22 Commission, which shall consider the recommendation and the variance
23 application at the next regularly scheduled meeting for which notice can
24 be timely provided.

25 (2) The Land Use Commission shall grant or deny the variance based on the
26 criteria in Subsection (B) of this section.

27 (3) An interested party may appeal the Land Use Commission's grant or
28 denial of a variance [under Subsection (A)] to the council under the
29 requirements of Chapter 25-1, Article 7, Division 1 (Appeals).

30 (C) (deleted) [Recommended by Staff]

31
32 (D) The following requirements apply if the Board recommends denial of a variance
33 under Subsection (B) of this section:

1 (1) The applicant may appeal the Board's recommendation to the city
2 council under the requirements of Chapter 25-1, Article 7, Division 1
3 (Appeals). The council shall consider the Board's recommendation and
4 the variance application at the next regularly scheduled meeting for
5 which notice can be timely provided.

6 (2) The council shall grant or deny the variance based on the criteria in
7 Subsection (B) of this section.

8
9 (D) (deleted) /Recommended by Staff/

10
11
12 **PART 6.** City Code Chapter 25-2 (Zoning), Article 3 (*Additional Requirements for*
13 *Certain Districts*), Division 8 (*Waterfront Overlay District and Subdistrict Regulations*),
14 Subpart A (*General Provisions*) is amended to add a new Section 25-2-715 to read:

15 **§ 25-2-715 REVIEW AND RECOMMENDATION OF THE WATERFRONT**
16 **PLANNING ADVISORY BOARD.**

17 (A) The Waterfront Planning Advisory Board shall provide a recommendation to
18 the Land Use Commission or accountable official regarding each of the
19 following approvals required for a proposed development within the Waterfront
20 Overlay combining district:

21 (1) Review by the Land Use Commission of:

22 (a) a site plan under Subsection 25-2-721(A) (*Waterfront Overlay*
23 *(WO) Combining District Regulations*) or 25-5-142(1) (*Land Use*
24 *Commission Approval*);

25 (b) a zoning or rezoning application under Section 25-2-282 (*Land*
26 *Use Commission Public Hearing and Recommendation*);

27 (c) a proposed amendment to Title 25 that directly impacts the
28 Waterfront Overlay combining district; and

29 (d) a proposed amendment to the comprehensive plan that directly
30 impacts the Waterfront Overlay combining district.

31 (2) Review of an administrative site plan by the accountable official under
32 Chapter 25-5, Article 2 (*Administrative Site Plans*).

33 (2) Administrative site plans are not required to be reviewed by the WPAB.
34 Copies of all administrative site plans will be forwarded to the WPAB to
35 allow them to maintain a comprehensive understanding of all

development activity within the Waterfront Overlay." (*Variances*).
[Recommended by Staff]

(B) The Board shall review a request for a variance from regulations applicable to the Waterfront Overlay combining district as required under Section 25-2-713 (*Variances*).

(B) The Board shall review a request for a variance from regulations applicable to the Waterfront Overlay combining district as required under Section 25-2-713 (*Variances*). The Environmental Board would review and provide recommendations on all projects within the Waterfront Overlay that request variances to provisions of the Waterfront Overlay addressing environmental protection.

[endorsed by the Planning Commission (9-0), the Waterfront Overlay Task Force (7-2) and the Environmental Board (4-2)]

(C) The Board shall consider a request for review and recommendation under this section at the earliest meeting for which notice can be timely provided and shall base its recommendation on the goals and policies of the Town Lake Corridor Study.

PART 7. City Code Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*) is amended to read:

(A) This subsection provides requirements for review and approval of site plans.

(1) Approval of a site plan by the Land Use Commission is required if an applicant requests a waiver from a requirement of this part under Section 25-2-713 (*Variances*).

(1) Approval of a site plan variance by the Land Use Commission is required if an applicant requests a waiver from a requirement of this part under Section 25-2-713 (*Variances*). **[Recommended by Staff]**.

(2) Review of a site plan by the director of the Parks and Recreation Department is required before the site plan may be approved. The director of the Parks and Recreation Department shall determine:

(a) whether the site plan is compatible with adopted park design guidelines; and

(b) if significant historic, cultural, or archaeological sites are located on the property.

(3) The Land Use Commission or accountable official shall request a recommendation from the Waterfront Planning Advisory Board before

1 approving or denying a site plan and consider the recommendation
2 provided by the board. If the Board fails to make a recommendation as
3 required under Section 25-2-716 (*Review and Recommendation of the*
4 *Waterfront Planning Advisory Board*), the Land Use Commission or
5 accountable official may grant or deny the approval without a
6 recommendation from the Board.
7

8 **PART 8.** City Code Section 25-2-731 (*Auditorium Shores Subdistrict Regulations*) is
9 amended to add a new Subsection (F) to read:

10 (F) The maximum height is:

- 11 (1) for structures located in the primary setback, the lower of 25 feet or the
12 maximum height allowed in the base zoning district; and
13 (2) for structures located in the secondary setback, the lower of 60 feet or the
14 maximum height allowed in the base zoning district.
15

16 **PART 9.** City Code Section 25-2-732 (*Balcones Rock Cliff Subdistrict Regulations*) is
17 amended to add a new Subsection (F) to read:

18 (F) The maximum height is the lower of 35 feet or the maximum height allowed in
19 the base zoning district.
20

21 **PART 10.** City Code Section 25-2-733 (*Butler Shores*) is amended to add a new
22 Subsection (H) read:

23 (H) The maximum height is:

- 24 (1) for structures located north of Barton Springs Road, the lower of 96 feet
25 or the maximum height allowed in the base zoning district; and
26 (2) for structures located south of Barton Springs Road, the lower of 60 feet
27 or the maximum height allowed in the base zoning district.
28

29 **PART 11.** City Code Section 25-2-734 (*East Riverside Subdistrict Regulations*) is
30 amended to add a new Subsection (D) to read:

31 (D) The maximum height is the lower of 96 feet or the maximum height allowed in
32 the base zoning district.
33

34 **PART 12.** City Code Section 25-2-735 (*Festival Beach Subdistrict Regulations*) is
35 amended to add anew Subsection (E) to read:

- 1 (E) The maximum height is the lower of 60 feet or the maximum height allowed in
2 the base zoning district.

3
4 **PART 13.** Subsection (D) of City Code Section 25-2-736 (*Lamar Subdistrict*
5 *Regulations*) is amended to read:

- 6 (D) For a structure located within 140 feet of the Johnson Creek centerline, the
7 maximum height is the lower of 35 feet or the maximum height allowed in the
8 base zoning district. For all other structures, the maximum height is the lower
9 of 60 feet or the maximum height allowed in the base zoning district.

10
11 **PART 14.** City Code Section 25-2-737 (*Montopolis/River Terrace Subdistrict*
12 *Regulations*) is amended to add anew Subsection (D) to read:

- 13 (D) The maximum height in the secondary setback is the lower of 60 feet or the
14 maximum height allowed in the base zoning district.

15
16 **PART 15.** Section 25-2-740 (*Red Bluff Subdistrict Regulations*) is amended to add a
17 new Subsection (E) to read:

- 18 (E) The maximum height within the secondary setback is the lower of 35 feet or the
19 maximum height allowed in the base zoning district.

20
21 **PART 16.** Section 25-2-741 (*South Lakeshore Subdistrict Regulations*) is amended to
22 add a new Subsection (C) to read:

- 23 (C) The maximum height is the lower of 60 feet or the maximum height allowed in
24 the base zoning district.

25
26 **PART 17.** Section 25-2-742 (*South Shore Central Subdistrict Regulations*) is amended
27 to add a new Subsection (G) to read:

- 28 (G) The maximum height is:

- 29 (1) for structures located between the primary and secondary setback lines,
30 the lower of 35 feet or the maximum height allowed in the base zoning
31 district;
- 32 (2) for structures located south of Riverside Drive between South Congress
33 Avenue and East Bouldin Creek, the lower of 45 feet or the maximum
34 height allowed in the base zoning district;
- 35 (3) for structures located within 100 feet of the right-of-way of South
36 Congress Avenue or South First Street, the lower of 60 feet or the
37 maximum height allowed in the base zoning district; and

- 1 (4) for structures located in all other areas of the subdistrict, the lower of 96
2 feet or the maximum height allowed in the base zoning district.
3

4 **PART 18.** Section 25-2-743 (*Travis Heights Subdistrict Regulations*) is amended to add
5 a new Subsection (E) to read:

6 (E) The maximum height is:

- 7 (1) for structures located between the shoreline of Lady Bird Lake and
8 Riverside Drive, the lower of 45 feet or the maximum height allowed in
9 the base zoning district; and
10 (2) for structures located elsewhere in the subdistrict, the lower of 60 feet or
11 the maximum height allowed in the base zoning district.
12

13 **PART 19.** Section 25-2-744 (*University/Deep Eddy Subdistrict Regulations*) is amended
14 to add a new Subsection (F) to read:

15 (F) The maximum height is the lower of 60 feet or the maximum height allowed in
16 the base zoning district.
17

18 **PART 20.** Section 25-2-745 (*Zilker Park Subdistrict Regulations*) is amended to add a
19 new Subsection (E) to read:

20 (F) The maximum height is the lower of 45 feet or the maximum height allowed in
21 the base zoning district.
22

23 **PART 21.** City Code Section 25-5-143 (*Director's Report*) is amended to add a new
24 Subsection (C) to read:

25 (C) If the site plan application includes property located within the Waterfront
26 Overlay (WO) combining district, the director shall request a recommendation
27 from the Waterfront Planning Advisory Board to be presented to the Land Use
28 Commission with the director's report required under this section.
29

30 **PART 22.** Subchapter E (*Design Standards and Mixed Use*) of City Code Chapter 25-2
31 (*Zoning*) is amended to amend Subsection (B) of Section 1.2.4 (*Conflicting Provisions*) to
32 read:

33 B. The following provisions supersede the requirements of this Subchapter to the
34 extent of conflict:

35 1. The following provisions of Chapter 25-2:

- a. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
 - b. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
 - c. Subchapter C, Article 10 (*Compatibility Standards*);
 - d. Provisions applicable to the Hill Country Roadways; and
2. Regulations applicable to a:
- a. Barton Springs Zone overlay district;
 - b. Conditional overlay (CO) combining district;
 - c. Central urban redevelopment (CURE) combining district;
 - d. Neighborhood conservation (NC) combining district;
 - e. Neighborhood plan (NP) combining district;
 - f. Planned development area (PDA) combining district;
 - g. Planned unit development (PUD) district;
 - h. Waterfront overlay (WO) district [~~except that the redevelopment provisions of this Subchapter in Sections 2.3.1., *Internal Circulation Systems for Large Sites*, and 4.3., *Vertical Mixed Use Buildings*, shall apply to the WO district~~]; or
 - i. North Burnet/Gateway overlay (NB/GO) district.

PART 23. Subchapter E (*Design Standards and Mixed Use*) of City Code Chapter 25-2 (*Zoning*) is amended to amend Subsection (D) of Section 4.3.4 (*Development Bonuses*) to read:

- D. Except for in the Barton Springs Zone or the Waterfront Overlay Combining District, impervious cover existing as of the effective date of this Subchapter may be retained for redevelopment purposes for VMU buildings no taller than 60 feet and their accompanying structured parking, so long as the redevelopment meets current water quality standards and, for projects in the Drinking Water Protection Zone, the redevelopment incorporates the following measures to provide additional water quality benefits, pursuant to administrative rules to be developed by the Director of the Watershed Protection and Development Review Department:

1. Rainwater collection and reuse;

2. Pervious pavement;
3. Integrated pest management; and
4. Native and adapted landscaping.

PART 24. The council manager is directed to process code amendments necessary to implement Recommendation No. 4 in the Waterfront Overlay Task Force Final Report, attached as Exhibit A to Resolution No. 20090212-025, to establish a system for providing development bonuses in exchange for community benefits. The amendments may include, but are not limited to, the following divisions of City Code Chapter 25-2 (Zoning), Subchapter C (Use and Development Regulations): Division 6 (Waterfront Overlay District Requirements for Town Lake Park), Division 7 (Waterfront Overlay District and Subdistrict Uses), and Division 8 (Waterfront Overlay District Regulations).

Any system for providing development bonuses should address impervious cover.

[endorsed by the Planning Commission (9-0), the Waterfront Overlay Task Force (7-2) and the Environmental Board (4-2)]

Publicly accessible open space and parks be a high priority community benefit when bonus provisions are drafted.

[endorsed by Parks Board (6-0)]

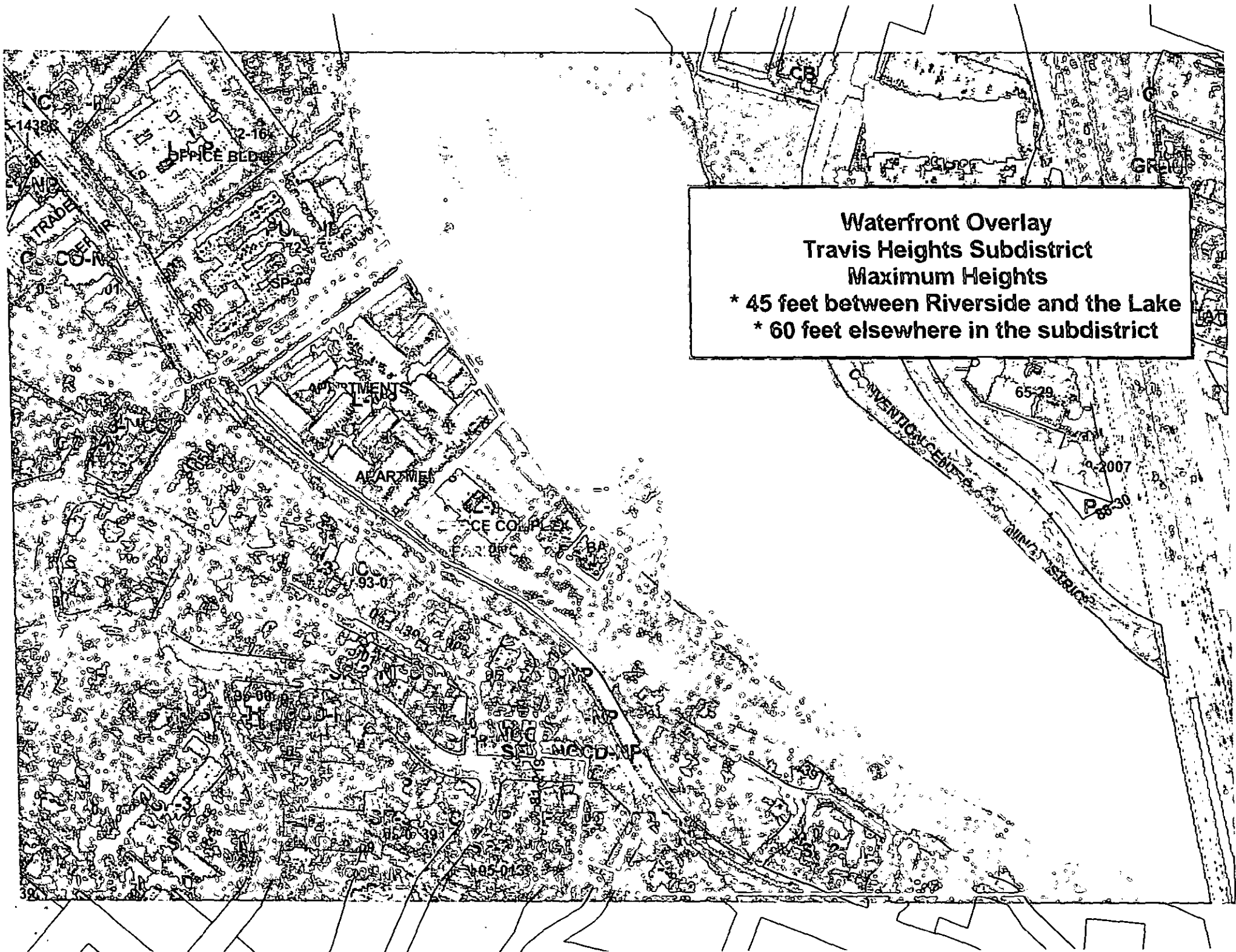
PART 25. Division 5 (Planned Unit Developments) of City Code Chapter 25-2 (Zoning) is amended to add a new subsection M to Section 2.3.1 (Minimum Requirements) of Section 2.3 (TIER ONE REQUIREMENTS) of Subpart B (Planned Unit Development Standards) of Section 4.3.4 (Development Bonuses) to read:

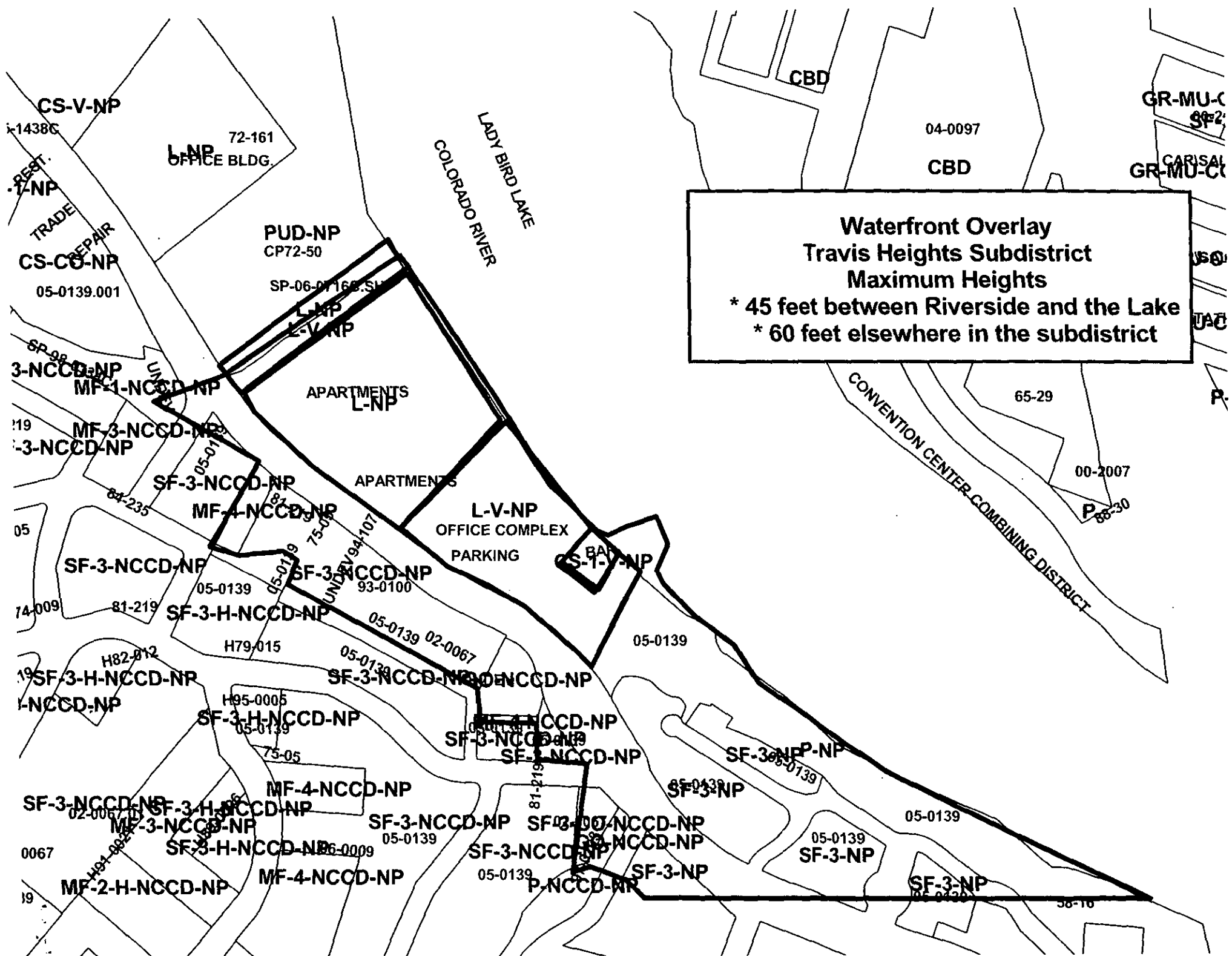
- (M) comply with the City's Waterfront Overlay if the property falls within the boundaries of the Waterfront Overlay and if the application for a Planned Unit Development was submitted after the effective date of this ordinance.

[The inclusion of PUD's in the Waterfront Overlay was endorsed by the Waterfront Overlay Task Force (7-2) and the Environmental Board (4-2), the Parks Board (6-0), and supported by comments of Zoning and Platting Commissioner Tiemann and Downtown Commissioner Guerrero. This language is offered by staff but was not specifically discussed by the boards or task force. The Planning Commission did not endorse this provision.]

**Waterfront Overlay
South Shore Central Subdistrict
No heights allowed greater than 96 feet**

[illegible]





Waterfront Overlay
Travis Heights Subdistrict
Maximum Heights
* 45 feet between Riverside and the Lake
* 60 feet elsewhere in the subdistrict

#64

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C2O-2009-007

Description:

Amend Chapters 2-1 and 25-2 of the City of Austin Land Development Code, amending and adding sections relating to the Waterfront Overlay Combining District and the Waterfront Overlay Planning Advisory Board.

Background:

The Waterfront Overlay Task Force was created in 2008 to review provisions of the City Code to identify ambiguities and inconsistencies between the City Code and the 1986 Waterfront Overlay Ordinance. After a nine-month public process, the Waterfront Overlay Task Force presented its final report to the City Council, and it included a recommendation that the City Code be revised to correct issues identified in its final report.

On February 12, 2009, the City Council approved a resolution directing the City Manager to process code amendments to implement certain recommendations of the Waterfront Overlay Task Force Report.

Departmental Comments:

The draft ordinance implements four of the main recommendations of the Waterfront Overlay Task Force, as directed by City Council. These recommendations are:

1. **State the goals of the Town Lake Corridor Study in the Waterfront Overlay.** The 1985 Town Lake Corridor Study was the basis for the original Waterfront Overlay Ordinance. The proposed ordinance would state those goals in the Waterfront Overlay code to provide background, and a context for interpretation of the code.
2. **Establish a new Waterfront Planning Advisory Board.** This would re-establish a city board to review and provide comment on all projects within the Waterfront Overlay.
3. **Re-establish the sub-district maximum heights.** Currently the Waterfront Overlay does not have maximum heights provisions. The ordinance would place a maximum height on developments subject to the Waterfront Overlay. These maximums would vary by subdistrict.
4. **The revised Waterfront Overlay District ordinance should supersede all other city-wide design policies and regulations.** Currently sections of the Commercial Design Standards supersede the Waterfront Overlay. The ordinance includes provisions to reverse this.

Staff Recommendation:

Staff recommends approval of the ordinance with the following recommendations:

1. The WPAB should be made up of representatives of the Parks Board, the Environmental Board, the Design Commission and four other members reflecting the areas of expertise spelled out in 2-1-186 on page 1 of the ordinance.
2. To help streamline the development approval process and to avoid duplication of staff efforts, if the WPAB is established, this Board should be the advisory board

- for items impacting the waterfront. Additional review by the Parks and Recreation Board, Downtown Commission, Environmental Board, or other boards and commissions should not be done unless explicitly required by code.
3. Part 5 discussing variances should be changed to bring the approval or denial process in line with other approval or denials. Part C should be amended to reflect that the same process for recommendation will be used for recommendation of approval or recommendations of denial. Part D should be deleted.
 4. Part 6, 716 (B) should be replaced with "Administrative site plans are not required to be reviewed by the WPAB. Copies of all administrative site plans will be forwarded to the WPAB to allow them to maintain a comprehensive understanding of all development activity within the Waterfront Overlay."
 5. Part 7, 25-2-721 (A) (1) should be amended to read "Approval of a site plan variance by the Land Use Commission..."

Board and Commission Actions or Comments

- **Planning Commission Subcommittee on Codes and Ordinances** – March 17, 2009: Recommended the amendments be forwarded to the full Planning Commission for public hearing, discussion and action. (5-0).
- **Parks Board** – March 24, 2009: The item was postponed until April 28, 2009.
- **Design Commission** – March 30, 2009: On a vote of 6-0, recommended approval of the amendments with the following changes:
 - 1) Part 1 (C): Added a new (4) "Policy recommendations that update the goals of the Town Lake Corridor Study including integrating parkland acquisition with planning for roadway and other public improvements, with particular attention to the area east of Longhorn Dam to the city limit line."
 - 2) Part 1 (C) (4): renumbered to Part 1 (C) (5).
 - 3) Part 3 (C): add to the end "as defined by the subdistrict goals of the Town Lake Corridor Study."
- **Environmental Board** – April 1, 2009: On a vote of 4-2 (Board Members Maxwell and Moncada voting No) recommended approval of the amendments with the following suggested amendments:
 - 1) The Waterfront Overlay would apply to Planned Unit Developments (PUDs) and Planned Development Areas (PDA's),
 - 2) The Environmental Board would review and provide recommendations on all projects within the Waterfront Overlay that request variances to provisions of the Waterfront Overlay addressing environmental protection,
 - 3) When the Waterfront Planning Advisory Board undertakes the development of the bonus provisions, these considerations should address impervious cover.

Note: Board members Maxwell and Moncada supported the draft ordinance, but voted against the motion because they both felt more time was necessary for discussion, especially of PUD's.
- **Planning Commission** – April 13, 2009: Began the public hearing and postponed action until April 28 on a vote of 6-2. (Commissioners Reddy and Small voting No). The public hearing was left open.

- **Downtown Commission** – April 15, 2009: No action taken. The following comments were provided by commissioners:
 - 1) Commissioner Knight expressed concern that the height restrictions are being put in place, but the bonuses provisions will only come later.
 - 2) Commissioner Guerrero commended the work of the Waterfront Overlay Task Force, calling their report “excellent”.
 - 3) Commissioner Guerrero supported the idea the PUD’s and PDA’s be subject to the Waterfront Overlay.
 - 4) Commissioner Guerrero supported the creation of the Waterfront Planning Advisory Board.
 - 5) Commissioner Weiss noted that the Design Commission also supported the ordinance.
 - 6) Commissioner Weiss hoped that the Waterfront Planning Advisory Board would explore the proactive purchase of land along the waterfront to complete the trail.
 - 7) Commissioner Dealey cited 300 Riverside, the CWS project, as a positive example of the kind of development that results from good guidelines.
- **Zoning and Platting Commission** – April 21, 2009: No action taken. The following comments were provided by Commissioner Tiemann:
 - 1) Commissioner Tiemann suggested that references to “physical and visual access to the waterfront” should be clarified to “public physical and visual access to the waterfront.”
 - 2) Commissioner Tiemann requested clarification of why the Waterfront Planning Advisory Board is specifically mentioned in the revisions to 25-2-282 (*Land Use Commission Public Hearings and Recommendation*). Staff Response: Because the items which the Waterfront Planning Advisory Board would review would specifically described in 25-2-715 of the Land Development Code, it was appropriate to clarify how the board’s review would fit into a timely review of development applications.
 - 3) Commissioner Tiemann concurred with the recommendation of the Environmental Board that PUD’s and PDA’s be subject to the Waterfront Overlay.
- **Waterfront Overlay Task Force** – Friday April 24, 2009:
 - 1) Endorsed the recommendations of the Design Commission on consent.
 - 2) Endorsed the recommendations of the Environmental Board on a vote of 7-2, (Task Force Members Carley and Glover voting Nay)
 - 3) Endorsed the recommendations of the Downtown Commission on a vote of 7-2, (Task Force Members Carley and Glover voting Nay)
- **Parks Board** – April 28, 2009: Parks and Recreation Board recommended on a vote of 6-0 approval of the draft ordinance with the additions that
 1. PUDs and PDAs may not supersede the reinstated Waterfront Overlay maximum height limits.
 2. Publicly accessible open space and parks be a high priority community benefit when bonus provisions are drafted.
- **Planning Commission** – April 28, 2009: The Planning Commission approved the draft ordinance (9-0), as amended by the comments and actions of the boards and commissions but did not include the requirement that PUDs and PDAs

conform to the ordinance site development standards. Additionally, they recommended the Waterfront Planning Board be constituted within 2 months of the adoption of the ordinance, and that the bonus provisions be developed within 6 months of the first meeting of the Waterfront Overlay Board.

They also approved a list of subjects that they asked the WPAB to study:

1. How to address the loss of entitlements to L zoned projects
2. How to handle PUDs and PDAs
3. Whether to tweak 1986 height limits and whether or not to create a height variance process
4. How to preserve affordable housing
5. How to improve transit
6. Whether specific view corridors should be defined and maintained
7. How to encourage or require green building practices
8. Whether to require 3D renderings of projects with site plans
9. Improving standards for Green Building in the overlay

City Council Date and Action:

November 29, 2007: Council approved Resolution No. 20071129-042 directing the City Manager to establish a Waterfront Overlay Task Force to evaluate the current ordinance for ambiguities and inconsistencies.

March 27, 2008: Council approved Resolution No. 20080327-039 adopting the Waterfront Overlay Task Force composition and action plan, and directing the City Manager to notify the designated boards and commissions to make their appointments.

October 16, 2008: Council approved Ordinance No. 20081016-034 extending the due date to report findings from the Waterfront Overlay Task Force.

December 18, 2008: Waterfront Overlay Task Force presented its final report to the City Council.

February 12, 2009: Council approved Resolution No. 20090212-025 directing the City Manager to process code amendments to implement certain recommendations of the Waterfront Overlay Task Force Report.

April 2, 2009: Council set a public hearing on this item for May 30, 2009

May 30, 2009: City Council is scheduled to hold a public hearing for May 30, 2009

Ordinance Readings:

1st

2nd

3rd

Ordinance Number:

City Staff: Robert Heil
robert.heil@ci.austin.tx.us

Phone: 974-2330

Email:

updated: 04/29/09

Waterfront Overlay

Subdistrict Maximum Heights vs Maximum Height allowed by Base District.

There are 1833 acres in the Waterfront Overlay.

The maximum height allowed by the waterfront subdistrict is higher than the maximum height allowed by base district zoning for 423 acres.

The maximum height allowed by the base district zoning is higher than the maximum height allowed by waterfront overlay for 33.5 acres. Of these 33.5 acres, 17 acres have a base district zoning of lake commercial (L).

For 1367.7 acres of the waterfront overlay, the subdistrict maximum heights do not affect development because

1. There are no maximum subdistrict heights,
2. The maximum subdistrict heights are equal to the maximum height allowed by base district zoning, or
3. The base district zoning is public (P) or Planned Unit Development (PUD).

Waterfront Overlay Maximum Heights Versus Base District Heights By Acre

Subdistrict	WFO>Base	No Impact	Base>WFO	Total
Auditorium Shores	0.0	85.0	4.1	89.1
Balcones Rock Cliff	0.0	111.4	0.0	111.4
Butler Shores	42.7	40.2	0.0	82.9
City Hall	0.0	7.8	0.0	7.8
East Riverside	25.4	0.0	0.8	26.2
Festival Beach	98.8	129.9	0.0	228.7
Lamar	0.0	104.2	0.0	104.2
Montopolis	0.6	270.5	0.0	271.1
North Shore Central	0.0	66.2	0.0	66.2
Rainey Street	0.0	54.5	0.0	54.5
Red Bluff	0.0	47.8	6.4	54.2
South Lakeshore	18.0	81.2	0.0	99.2
South Shore Central	57.9	17.3	13.1	88.3
Travis Heights	12.7	10.0	9.1	31.8
University/Deep Eddy	163.8	10.0	0.0	173.8
Zilker Park	12.4	331.7	0.0	344.1
TOTAL	432.3	1,367.7	33.5	1,833.5

Proposed Revisions to the Waterfront Overlay Ordinance

Presentation to the
Austin City Council
April 30, 2009

Waterfront Overlay Boundaries and Purpose

- Boundary – From Tom Miller Dam past Longhorn Dam to the Montopolis Bridge
- Subdistricts – 16 separate and distinct subdistricts
- Purpose – to provide a harmonious transition from the urban development to the parkland along the waterfront.
- Regulates – Permitted uses, site development, design, landscaping and other issues

Waterfront Overlay



Waterfront Overlay Subdistricts

- | | |
|-------------------------|--------------------------------|
| 1 – Balcones Rock Cliff | 9 – Montopolis / River Terrace |
| 2 – Zilker Park | 10 – Red Bluff |
| 3 – Butler Shores | 11 – Festival Beach |
| 4 – Auditorium Shores | 12 – Rainey Street |
| 5 – South Shore Central | 13 – North Shore Central |
| 6 – Travis Heights | 14 – City Hall |
| 7 – East Riverside | 15 – Lamar |
| 8 – South Lakeshore | 16 – University / Deep Eddy |

4

The Waterfront Overlay Task Force

- 15 Task Force Members
- Met from April to December 2008
- Final report delivered to Council December 18, 2008

5

Waterfront Overlay Task Force Members

- | | |
|---|--|
| ➤ Mandy Dealey, Chair, Downtown Commission | ➤ Leibel Harolik, Bouldin Creek Neighborhood |
| ➤ Melissa Whaley Hawthorne, Vice-chair, Barton Hills Neighborhood | ➤ Jeff Jack, SaveTownLake.Org |
| ➤ Lynn Ann Carley, Real Estate Council of Austin | ➤ Mary Gay Maxwell, Environmental Board |
| ➤ Michael Casias, East Austin resident | ➤ Eleanor McKinney, Design Commission |
| ➤ Danette Chimenti, Parks and Recreation Board | ➤ Greg Miller, CWS Capital Partners, LLC |
| ➤ Jeff Francell, Barton Hills Neighborhood | ➤ Brian Ott, Town Lake Trail Foundation |
| ➤ Dale Glover, Downtown Austin Neighborhood | ➤ Wendy Price Todd, South Austin resident |
| | ➤ Jay Reddy, Planning Commission |

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Task Force Top 5 Recommendations

1. State the goals of the Town Lake Corridor Study in the Waterfront Overlay.
2. Establish a new Waterfront Planning Advisory Board.
3. Re-establish the sub-district maximum heights.
4. Develop a clear method for awarding bonus provisions commensurate with community benefits derived.
5. The revised Waterfront Overlay District ordinance should supersede all other city-wide design policies and regulations.

7

Draft Ordinance

- At the direction of Council, the draft ordinance includes all of the Task Force recommendations except for a system to award height bonuses.
- The system for system for height bonuses will be established later, after the Board is appointed.

8

#1 Town Lake Corridor Study Goals

Excerpted from the 1985 Town Lake Corridor Study

- Environmental Protection
 - Treating urban runoff
 - Protecting city creeks
 - Requiring better maintenance of shoreline
 - Environmental impact studies for new development
- Preserve and Improve Parkland
 - Acquiring more parkland
 - Securing more shoreline public access from Longhorn Dam to Walnut Creek
 - Integrating park acquisition with other improvements, especially in Montopolis
- Complimentary Development
 - Regulating resource extraction
 - Ensuring compatibility of city programs and projects with Lady Bird Lake
 - Encouraging appropriate mixed-use and residential development
 - Promoting cooperation between neighbors and private landowners

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#2 The Waterfront Planning Advisory Board

- Seven members appointed by City Council
- Members would be drawn from many fields including:
 - Architecture,
 - Urban design,
 - Environmental protection,
 - Neighborhood conservation,
 - Real property development.
- The Board would provide recommendations to City Council and city boards on development and other issues affecting the waterfront.

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What Would the Waterfront Planning Advisory Board Do?

Provide recommendations on projects and policies that impact the waterfront, including:

- Site plans
- Rezoning applications
- Amendments to the Land Development Code
- Changes in the comprehensive plan, including neighborhood plan amendments
- Administrative site plans
- Recommend approval or denial of variances to the Waterfront Overlay

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#3 Height Provisions

- The Task Force recommended adoption of the 1986 height provisions clearly stated as maximum allowed heights.
- If these heights were greater than base zoning height, bonus provisions could be used to increase height.
- If these heights were less than base zoning heights, then base zoning height would be limited.
- Should apply to all developments, including PUDS.

12

1986 Bonus Height Provisions

- In the 1986 Ordinance, most subdistricts called for the possibility of greater height than base zoning in exchange for a clear public benefit.
- There was no mechanism to grant those bonus heights.
- Because there was no mechanism to achieve the bonus heights, they were removed in the 1999 plain language code rewrite.
- The 1986 subdistrict bonus heights did not limit base district zoning.

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Proposed Height Provisions

- The subdistrict heights match the bonus heights from 1986.
- The height provisions will limit some heights currently allowed.
- Through bonus provisions, the height provisions will increase some heights currently allowed.
- The bonus provisions are not included in this ordinance, and will be developed later.
- These bonus heights could be granted without requiring a change in the base district zoning.

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Subdistrict Maximum Heights

- | | |
|---|--|
| 1 - Baldpate Rock Cliff <ul style="list-style-type: none">• 35 feet | 8 - South Lakeshore <ul style="list-style-type: none">• 60 feet |
| 2 - Zilker Park <ul style="list-style-type: none">• 45 feet | 9 - Montopolis / River Terrace <ul style="list-style-type: none">• 60 in secondary setback |
| 3 - Butler Shores <ul style="list-style-type: none">• 60 ft of Barton Springs Rd• 60 ft of Barton Springs Rd | 10 - Red Bluff <ul style="list-style-type: none">• 35 in secondary setback |
| 4 - Auditorium Shores <ul style="list-style-type: none">• 25 in primary setback• 60 in secondary setback | 11 - Festival Beach <ul style="list-style-type: none">• 60 feet |
| 5 - South Shore Central <ul style="list-style-type: none">• Varies but never higher than 65 | 12 - Rainey Street <ul style="list-style-type: none">• No maximum specified |
| 6 - Travis Heights <ul style="list-style-type: none">• 45 between lake and Riverside• 60 elsewhere | 13 - North Shore Central <ul style="list-style-type: none">• No maximum specified |
| 7 - East Riverside <ul style="list-style-type: none">• 60 feet | 14 - City Hall <ul style="list-style-type: none">• No maximum specified |
| | 15 - Lamar <ul style="list-style-type: none">• 60 feet |
| | 16 - University / Deep Eddy <ul style="list-style-type: none">• 60 feet |

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The Impact of Subdistrict Maximum Heights

- Waterfront Overlay = 1833 acres
- Subdistrict heights greater than base zoning heights = 423 acres.
 - These are areas where bonus provisions could be used.
 - Based on current base zoning.
 - This includes the 164 acres of the UT Brackenridge Tract
- Base zoning heights greater than subdistrict heights = 34 acres.
 - These areas would not be able to build to the full height of base zoning.
 - 17 acres are zoned like commercial (L).
- The Subdistrict heights do not affect development = 1368 acres
 - There are no maximum subdistrict heights, or
 - The maximum subdistrict heights are equal to the maximum height allowed by base district zoning, or
 - The base district zoning is public (P) or Planned Unit Development (PUD).

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#4 Method for Bonus Provisions

- The bonus provisions will allow height greater than base zoning would allow, in exchange for clear public benefit.
- Bonus provisions will not allow heights greater than the sub-district maximums.
- This ordinance does not include any bonus provisions.
- Once the Waterfront Planning Advisory Board is appointed, developing the bonus provisions will be one of their first tasks.

17

#5 Conflict with Other Code Provisions

- Generally, the more restrictive provision of the Land Development Code applies.
- Two parts of 25-2 Subchapter E, (Design Standards and Mixed Use) in the current code supersede the Waterfront Overlay to the extent of conflict.
- The draft ordinance removes the provisions that supersede the Waterfront Overlay.
- The Waterfront Overlay would apply to Planned Development Agreements (PDAs).
The Waterfront Overlay would not apply to Planned Unit Developments (PUDs).
- In the case of demonstrated hardship, provisions of the Waterfront Overlay may be altered by the Board of Adjustment.

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Schedule of Review and Adoption

- ✓ March 13 – Waterfront Overlay Task Force
- ✓ March 17 – Planning Commission Subcommittee on Codes and Ordinances
- ✓ March 30 – Design Commission
- ✓ April 1 – Environmental Board
- ✓ April 14 – Planning Commission
- ✓ April 15 – Downtown Commission
- ✓ April 21 – Zoning and Platting Commission
- ✓ April 24 – Waterfront Overlay Task Force
- ✓ April 28 – Parks Board
- ✓ April 28 – Planning Commission (ctd)
- ✓ April 30 – City Council

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Waterfront Overlay Materials

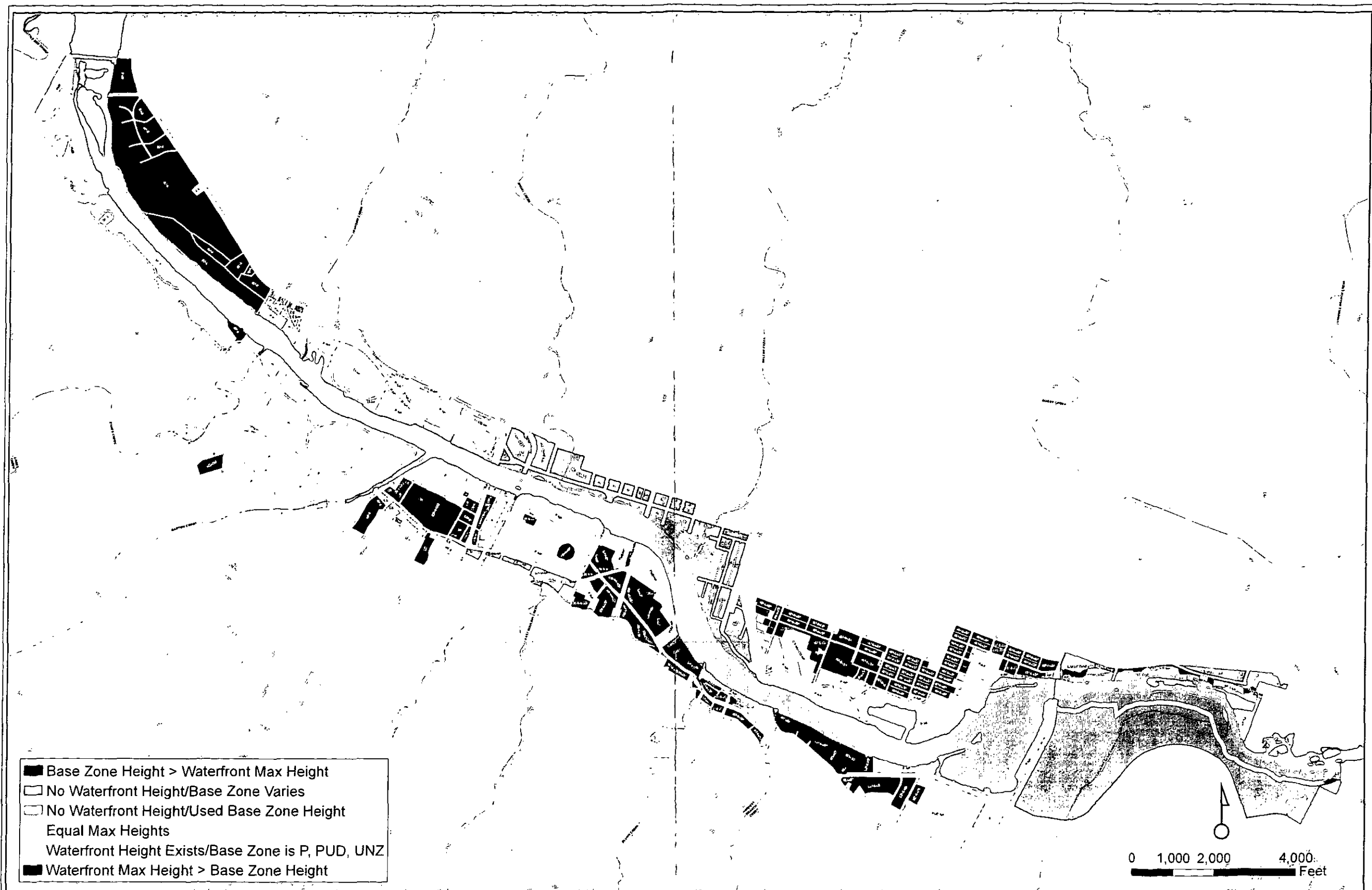
- 1 Draft Ordinance as presented for review and comment (in regular back-up)
- In Late Back-Up
- 1 Updated Ordinance Review Sheet for C20-2009-007
- 2 "Mark-Up" Version of the ordinance that includes comments from staff, boards and commissions
- 3 Waterfront Overlay - Subdistrict Maximum Heights vs Maximum Height allowed by Base District
- 4 Map of the Waterfront Overlay showing Differences in Maximum Height Allowed
- 5 Zoning Map and Aerial photo of the South Central Subdistrict
- 6 Zoning Map and Aerial photo of the Travis Height Subdistrict
- 7 Hard copy of this presentation

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Questions?

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Differences in Maximum Heights Allowed Between Base Zoning and Waterfront Overlay Districts

Created April 24, 2009
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